



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/863,047	05/23/1997	FUMIAKI ITO	35.C12088	4264

5514 7590 01/30/2003

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

COLBERT, ELLA

ART UNIT	PAPER NUMBER
----------	--------------

3624

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/863,047

Applicant(s)

ITO ET AL.

Examiner

Ella Colbert

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,8-13, and 15-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,8-13 and 15-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 3, 4, and 8-13, and 15-46 are pending. Claims 1, 4, and 9-13 have been amended in this communication filed 11/12/02 entered as RCE with Fee, paper no. 28.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites, " folder retaining means for retaining a plurality of folders, each of the folders ... and existed at a position in a sort structure; new document retaining means for retaining a new document ...". The claim limitations of Claim 1 are unclear. In particular, "and existed at a position in a sort structure." For examination purposes the Examiner assumes Applicants' mean "that existed in a position in a sort structure." Claims 9-13 have a similar problem.

Claim Objections

4. Claims 1 and 4 objected to because of the following informalities: Claim 1 recites "folder retaining means ...; new document retaining means for retaining a new document; candidate folder selecting ...; notifying means ...; and storing means for storing the new document ...". These claim limitations would be better recited " a folder retaining means ...; a new document retaining means for retaining a new document; a

Art Unit: 3624

candidate folder selecting ...; a notifying means ...; and a storing means for storing the new document ...". Claim 4 has a similar problem. Appropriate correction is required.

Specification

5. The Specification is objected to because of the following informalities: Page 1, line 10 recites "management of a plurality of set of information." This would be better recited "management of a plurality of sets of information". Page 1, line 20 recites "one of enumerated folders to store ...". This would be better recited "one of the enumerated folders to store ...". Page 5, line 5 recites "... sorting a plurality piece of." This would be better recited as "... sorting a plurality of pieces of" or "... sorting plural pieces of".

These are only some of the grammatical errors the Examiner found in Applicants' Specification. Applicants' are advised to check their Specification for grammatical errors. A Specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The amended Specification and/or substitute Specification must contain no new matter. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3624

7. Claims 1, 3, 4, 8-13, and 15-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morita et al (US 5,832,470), hereafter Morita in view of (US 5,923,845) Kamiya et al, hereafter Kamiya.

With respect to claim 1, Morita teaches, a folder retaining means for retaining a plurality of folders each of the folders storing at least one document that existed at a position in a sort structure (col. 2, lines 66-67, col. 3, lines 1-10, col. 8, lines 43-56 & fig. 8 (800-8056)); and a candidate folder selecting means for selecting a plurality of candidate folders suitable for storing a new document as a folder to be stored, by comparing a feature of the new document with an average of features of documents stored in a folder ...; (col. 2, lines 66-67, col. 3, lines 1-57).

Morita did not teach, a new document retaining means for retaining a new document; a notifying means for notifying said a plurality of candidate folders selected by said candidate folder selecting means to a user; and storing means for storing the new document into a selected folder selected by the user from the plurality of candidate folders, without changing the position in the sort structure.

Kamiya discloses, a new document retaining means for retaining a new document (col. 9, lines 29-67 and col. 10, lines 1-4); a notifying means for notifying said a plurality of candidate folders selected by said candidate folder selecting means to a user (col. 9, lines 1-28); and storing means for storing the new document into a selected folder selected by the user from the plurality of candidate folders, without changing the position in the sort structure (col. 10, lines 4-50). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a new

Art Unit: 3624

document retaining means for retaining a new document; a notifying means for notifying said a plurality of candidate folders selected by said candidate folder selecting means to a user; and storing means for storing the new document into a selected folder selected by the user from the plurality of candidate folders, without changing the position in the sort structure because such a modification would enhance Morita's document classification system by providing a sort structure.

With respect to claim 3, Morita teaches candidate folders suitable for saving the new document are selected and a list of selected candidate folders is displayed (col. 16, lines 29-52).

With respect to claim 4, Morita did not teach, a judging means for judging a similarity degree between document information of a new document to be stored and a plurality of sets of information of documents stored in folder that existed at a position in a sort structure;

Morita teaches, a judging means for judging a similarity degree between document information of a new document to be stored and a plurality of sets of information of documents stored in folder existed at a position in a sort structure (col. 13, lines 12-25); a similarity order calculating means for calculating a similarity order of a plurality of folders in accordance with the similarity degree judged by the judging means (col. 13, lines 26-35) and a notifying means for notifying the plurality of folders together with the similarity order calculated by said similarity order calculating means to a user (col. 12, lines 42-67).

Art Unit: 3624

This independent claim is rejected for the similar rationale given above for claim 1.

With respect to claim 8, Morita teaches the selecting means selects the folder through statistical estimation using the number of information sets of documents belonging to the folder and the number of documents matching the search condition (col. 11, lines 53-57 and col. 24, lines 36-57).

With respect to claim 9, this independent claim is rejected for the similar rationale given for claims 1 and 4.

With respect to claim 10, this independent claim is rejected for the similar rationale given for claim 4.

With respect to claim 11, Morita teaches, selecting a plurality of candidate folders suitable for storing the new document as a folder to be stored from among the plurality of folders based on a number of sets of document information containing a keyword inputted as a search condition (col. 3, lines 48-57, col. 6, lines 50-56 and col. 11, lines 1-17); notifying said a plurality of candidate folders selected in said selecting step to a user (col. 12, lines 27-44 and col. 14, lines 50-67). This claim is also rejected for the similar rationale given for claims 1, 4, 9, and 10.

With respect to claim 12, Morita did not teach a computer readable storage medium for storing programs, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a computer readable storage medium for storing programs to perform steps 1-4 and to modify in Morita because such a modification would allow Morita to have a recordable medium (e.g., floppy disks, hard

Art Unit: 3624

drives, compact disks, or memory cards) and to have the capability to carry out all or some of the steps to perform the method of claim 12.

This independent claim is also rejected for the similar rationale given for claims 1, 9, and 11.

With respect to claim 13, this independent claim is rejected for the similar rationale given for claims 1, 4, 9, and 10.

With respect to claim 15, this dependent claim is rejected for the same rationale given for claim 3.

With respect to claim 16, this dependent claim is rejected for the same rationale given for claims 3 and 15.

With respect to claim 17, Morita teaches, updating the feature of the folder in response to saving the new document in the candidate folder (col. 14, lines 5-10).

With respect to claim 18, Morita teaches, the document includes vector data (col. 11, lines 20-36).

With respect to claim 19, Morita teaches, the candidate folder has a high-level rank as determined by the result of the comparison (col. 12, lines 45-64).

With respect to claim 20, Morita teaches, a notifying means displays a label which is set in advance to indicate the candidate folder (col. 25, lines 19-35).

With respect to claim 21, Morita teaches, the document includes text data (col. 25, lines 40-62).

With respect to claim 22, Morita teaches, a selected candidate folder (col. 26, lines 10-38). Morita did not explicitly teach, saving the new document, but it is well

Art Unit: 3624

known in the art by one having ordinary skill in the art to save a new document to a folder because a user can retrieve the saved document from the folder and work on the document when the document is needed.

With respect to claim 23, this dependent claim is rejected for the similar rationale given for claim 17.

With respect to claim 24, this dependent claim is rejected for the similar rationale given for claim 18.

With respect to claim 25, this dependent claim is rejected for the similar rationale given for claim 19.

With respect to claim 26, this dependent claim is rejected for the similar rationale given for claim 20.

With respect to claim 27, this dependent claim is rejected for the similar rationale given for claim 21.

With respect to claim 28, this dependent claim is rejected for the similar rationale given for claim 22.

With respect to claim 29, this dependent claim is rejected for the similar rationale given for claim 23.

With respect to claim 30, this dependent claim is rejected for the similar rationale given for claims 18 and 24.

With respect to claim 31, this dependent claim is rejected for the similar rationale given for claims 19 and 25.

Art Unit: 3624

With respect to claim 32, this dependent claim is rejected for the similar rationale given for claim 20.

With respect to claim 33, this dependent claim is rejected for the similar rationale given for claim 21.

With respect to claim 34, this dependent claim is rejected for the similar rationale given for claims 22 and 28.

With respect to claim 35, Morita teaches, a notification only for a predetermined number of folders with a high rank of similarity order (col. 12, lines 42-64).

With respect to claim 36, Morita teaches, the document is stored in a folder mentioned in the notification provided (col. 12, lines 65-67 and col. 13, lines 13-19).

With respect to claim 37, this dependent claim is rejected for the similar rationale given for claim 26.

With respect to claim 38, this dependent claim is rejected for the similar rationale given for claim 27.

With respect to claim 39, this dependent claim is rejected for the similar rationale given for claim 35.

With respect to claim 40, Morita teaches, the document is stored in at least one folder mentioned in the notification in the notifying step (col. 2, lines 66-67 and col. 3, lines 1-19).

With respect to claim 41, this dependent claim is rejected for the similar rationale given for claims 26 and 37.

Art Unit: 3624

With respect to claim 42, this dependent claim is rejected for the similar rationale given for claim 33.

With respect to claim 43, this dependent claim is rejected for the similar rationale given for claims 35 and 39.

With respect to claim 44, this dependent claim is rejected for the similar rationale given for claim 40.

With respect to claim 45, this dependent claim is rejected for the similar rationale given for claim 41.

With respect to claim 46, this dependent claim is rejected for the similar rationale given for claim 33.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

Bruffy et al (US 4,945,475) disclosed a hierarchical file system for cataloging and retrieving data.

Pirolli et al (US 5,895,470) disclosed a system for categorizing a linked collection of documents.

Mander et al (US 6,243,724) disclosed organizing information in a computer system.


Art Unit: 3624

Inquiries

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday from 6:30 am -5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for Official communications and 703-746-5622 for Unofficial communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


E. Colbert
January 26, 2003


VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600